25 March 2003

Original: English

**Meeting of States Parties**
**Thirteenth Meeting**
New York, 9-13 June 2003

# Draft proposal to apply "Rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations", promulgated by the Secretary-General of the United Nations, to members of the International Tribunal for the Law of the Sea

**Working paper prepared by the Tribunal**

## A. Background

1. The General Assembly of the United Nations, at its thirty-fourth session, on 20 December 1979, took a decision with respect to compensation for members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations. The decision reads as follows:

> "... the rules[1] shall apply to members of all commissions, committees and similar bodies in respect of which the United Nations pays daily subsistence allowance or annual remuneration and **any such bodies as may in future be certified by the Secretary-General as falling into such category;**"[2] (emphasis added)

2. Three years later, in his note dated 22 November 1982, the Secretary-General expressed his intention to extend such coverage to the judges of the International Court of Justice under the "Rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations", with effect from 1 January 1983.[3] Accordingly, those rules have been applied to members of the Court since that date.

3. It should be noted that the Meeting of States Parties has taken into account the conditions of service for the judges of the Court as a comparator when taking decisions with regard to the conditions of service of members of the Tribunal.

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4. It would now appear to be necessary to accord adequate coverage to members of the Tribunal in the event of work-related accidents and for the Tribunal to cover its liability in such cases.

## B. Proposal

5. The following draft decision is submitted to the Meeting of States Parties for the purpose of providing adequate coverage for members of the Tribunal in relation to work-related accidents:

"*The Meeting of States Parties*,

"*Noting* the need to accord adequate coverage for members of the Tribunal in the event of work-related accidents,

"*Decides* to apply the 'Rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations', promulgated by the Secretary-General of the United Nations,[4] with effect from 1 January 2004."

*Notes*

[1] "Rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations", ST/SGB/103/Rev.1.

[2] General Assembly resolution 34/233, sect. VI, para. 2.

[3] A/C.5/37/50, para. 6.

[4] Secretary-General's bulletin ST/SGB/103/Rev.1.

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# Other budgetary matters of the International Tribunal for the Law of the Sea for 2003

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1. When the budget proposals of the Tribunal for 2004 were being examined, it was noted that appropriations under the approved budget for 2003 might not be sufficient for expenditures for that period for reasons beyond the control of the Tribunal, namely:

(a) If the present trend continues, exchange rate fluctuations between the United States dollar and the euro since the twelfth Meeting of State Parties will result in an increase of $200,000 for the maintenance of premises, where expenditure is in euros;

(b) Increases in the standard costs for staff and common staff costs as applied within the United Nations common system will lead to an increase of $500,000;

(c) Increases in the daily susbsistence allowance (DSA) rate for Hamburg as determined by the International Civil Service Commission, from $176 in 2002 to $233 in March 2003, will give rise to an increase of $150,000.

2. The Tribunal intends, wherever possible, to absorb within existing appropriations increases resulting from the above factors. For example, it is anticipated that increases in DSA relating to the remuneration of judges under part I of the budget, amounting to $50,000, will be able to be offset by an expected decrease in expenditures in respect of the budget line "Pension scheme for judges". Likewise, the Working Capital Fund would provide the necessary financial means to cover increases in DSA, amounting to $100,000 for expenditure relating to cases under part III, "Contingency", where such expenditure cannot be met from the contingency or from transfer of funds between appropriation sections, in accordance with the decisions on miscellaneous budgetary matters of the Tribunal (SPLOS/89) taken by the States Parties at their twelfth Meeting (April 2002).

3. However, in order to incur expenditures necessary for the functioning of the Tribunal, it may be necessary, after having recourse to transfers between

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appropriation sections, to have additional financial resources available. For this purpose, the Tribunal proposes that the Meeting of States Parties be requested to authorize the Registrar to use savings from the financial period 2002, instead of requesting a supplementary budget.

4. The annex to the present paper contains a draft decision for consideration by the Meeting of States Parties.

## Annex

# Draft decision on budgetary matters of the International Tribunal for the Law of the Sea for 2003

1. In the event that the Tribunal is unable to meet approved expenditures for 2003 from appropriations made with respect to the budget lines "Established posts" and "Common staff costs", the Registrar shall be authorized to incur expenditures to the extent that the shortfall in appropriations results from increases in daily subsistence allowance (DSA), salary costs and common costs, as applied within the United Nations common system.

2. In the event that the Tribunal is unable to meet approved expenditures for 2003 from appropriations made in the budget line "Maintenance of premises", the Registrar shall be authorized to incur expenditures to the extent that the shortfall in appropriations results from exchange rate fluctuations.

3. The Meeting of States Parties authorizes the Tribunal to finance over-expenditures referred to in paragraphs 1 and 2 by transfers between appropriation sections as far as possible and, if necessary, by using the savings from the financial period 2002.

4. The Meeting of States Parties further decides that the Registrar shall report to the Meeting of States Parties on any action taken pursuant to paragraph 3, together with the circumstances relating thereto.